

**REMARKS**

Claims 1 and 5-16 are pending. By this amendment, claims 1, 5, 7, 9 and 10-13 are amended, and claims 14-16 are added.

It is noted that the Office Action indicates that claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. However, for the reasons set forth below, it is submitted that all claims are in condition for allowance.

Claims 1, 5, 6, 7, 8, 10 and 12 are objected to because of informalities. These claims have been amended as suggested by the Examiner. The informalities were caused by a faulty printer creating spacing problems, and it was not possible to reproduce the faulty portions exactly, although the claims were amended as suggested. Approval and withdrawal of the objection is requested.

The Office Action rejects claims 1, 5-7 and 9-13 under 35 USC 102(b) over Osakabe (USP 5,872,763). This rejection is respectfully traversed.

Claim 1 recites in a case of reproducing the marks having the test information, a control operation of the position control means is unchanged in a first reproduction in comparison with a time when the test information is recorded and changed in a second reproduction in comparison with a time when the test information is recorded, and wherein the recording condition is controlled in accordance with values of a signal amplitude in the first reproduction and a signal amplitude in the second reproduction. As explained in the specification on pages 15 and 16, a recording condition is set for the respective portions of the apparatus, a test-write mark sequence (test information) is recorded on an erased test-write zone, immediately after, the test information is reproduced without any change of the servo condition, the amplitude of the reproduced signal is measured by the reproduction signal evaluation circuit (evaluation means), the amplitude of the reproduced signal is defined as V1 (a signal amplitude in the first reproduction), the servo condition is changed and the test information is reproduced again, the

amplitude of this reproduced signal is defined as V2 (a signal amplitude in the second reproduction), and if the relation between the amplitudes V1 and V2 is within tolerance, the main controller regards it as a record mark width within tolerance. Independent claim 12 contains corresponding recitations.

From this feature of the present invention, both influence quantity of the cross-erase caused by erasing the recorded marks on adjacent tracks in the recording and influence quantity of the cross-talk in the reproduction caused by leak from adjacent tracks (actual influence quantity in the reproduction is measured for the adjacent tracks) are evaluated directly, so that the direct control for the recording power may be enabled with high accuracy.

In contrast, Osakabe discloses that a desirable recording power is controlled while specific parameters such as an asymmetry value, modulation factor or error rate of the reproduced signal are referred for a purpose of optimizing the recording power in the recording/erasing. See col. 6, lines 58-67, for example.

For at least the above reasons, it is submitted that Osakabe does not anticipate claims 1 or 12, or any of the dependent claims. Withdrawal of the rejection is requested.

For at least the above reasons, it is submitted that the application is in condition for allowance. Prompt consideration and allowance are solicited.

The Office is authorized to charge any fees due under 37 C.F.R. 1.16 or 1.17 to Deposit Account No. 11-0600.

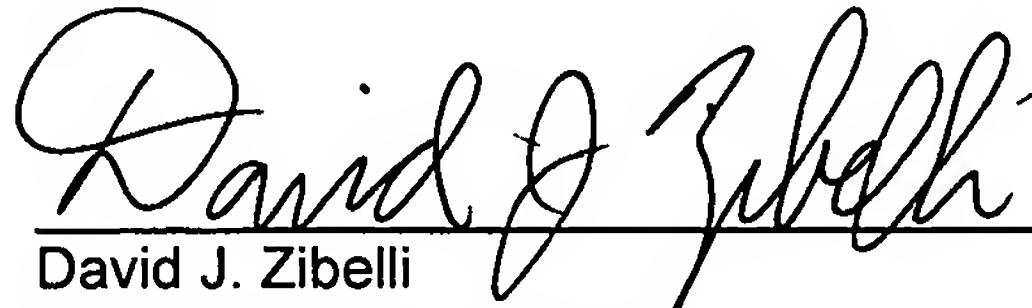
**PATENT**

**Serial No: 10/622,450**

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Should there be any questions, the Examiner is invited to contact Applicant's undersigned attorney.

Respectfully submitted,

  
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